

*Cathy*

CONTROL SLIP FOR OFFICE OF EXECUTIVE CORRESPONDENCE

CONTROL NO : AX9411568

FROM : STAIRS, JESS M.  
PENNSYLVANIA HOUSE OF REPRESENTATIVE

DUE DATE: 12/16/94  
ORIGINAL DUE DATE: 12/16/94  
CORRES. DATE: 11/16/94  
RECEIVED: 11/21/94

ASSIGNED: 12/02/94

SALUTATION : DEAR MR. STAIRS

CLOSED : / /

CONSTITUENT :

SUBJECT : COMPL-REMOVE 28 COUNTIES PA FROM REFORMULATED GAS PROG (RFG)

SIGNATURE : ASSISTANT ADMINISTRATOR

COURTESY COPIES:

ADMINISTRATOR  
REGION 03

DEPUTY ADMINISTRATOR  
REG OPER & STATE/LOCAL REL

ASSIGNED : AIR & RADIATION

INSTRUCTIONS: PREPARE REPLY FOR THE ASSISTANT ADMINISTRATOR'S SIGNATURE.  
SEND COPY OF REPLY TO OEX.

IMS: JKP *12/16/94*

<u>ASSIGNED TO</u>	<u>ASSIGNED DATE</u>	<u>AC</u>	<u>RETURNED DATE</u>	<u>ASSIGNED TO</u>	<u>ASSIGNED DATE</u>	<u>AC</u>	<u>RETURNED DATE</u>
OAR	12/02/94	AC	/ /				

*Copy PA Team  
ARTD*

RECEIVED  
Ozone & Mobile Sources  
Section (3AT13)

DEC 9 1994

EPA, REGION III



JESS M. STAIRS, MEMBER  
R.D. #1  
ACME, PA 15610  
PHONE: (412) 423-5141

HOUSE POST OFFICE BOX 194  
MAIN CAPITOL BUILDING  
HARRISBURG, PA 17120-0028  
PHONE: (717) 783-9311



*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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November 16, 1994

The Honorable Carol Browner  
Administrator  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Dear Ms. Browner:

I am writing to request your review of the inclusion of 28 Pennsylvania counties in the requirements of the reformulated gasoline program (RFG) under the federal Clean Air Act Amendments of 1990, and the removal of such counties from inclusion in the RFG mandate upon your motion, per the authority vested in you under the provisions of Title I, Part D, Subpart 1, Section 176A of the act.

Currently, the Clean Air Act Amendments require the Pennsylvania counties of Philadelphia, Montgomery, Chester, Bucks and Delaware to participate in the reformulated gasoline program, based on that region's "severe ozone nonattainment area" classification by the Environmental Protection Agency. However, the following 28 counties classified as either "marginal" or "moderate" ozone nonattainment areas were "opted in" to the program by Pennsylvania Governor Robert P. Casey in 1991 (56 Federal Register 57986 (1991), copy enclosed):

Marginal

Lancaster  
Adams  
Dauphin  
Perry  
Northampton  
Monroe  
Luzerne  
Columbia  
Cambria  
Mercer

York  
Cumberland  
Lebanon  
Lehigh  
Carbon  
Lackawanna  
Wyoming  
Blair  
Somerset  
Erie

Moderate

Berks  
Fayette  
Washington  
Westmoreland  
Allegheny  
Armstrong  
Beaver  
Butler

Although the discretionary power of Governors to require the inclusion of additional, non-federally mandated areas in the reformulated gasoline program appears to be provided for in the federal act, I strongly feel that the inclusion of these particular 28 counties, which are not classified as "extreme", "severe", or "serious" ozone nonattainment areas under the act, is excessive, overly burdensome, and does little to meaningfully advance the primary aims of the act.





November 16, 1994  
Page Two

Inclusion of "moderate" and "marginal" regions, such as the opted-in 28 counties, in the reformulated gasoline program goes beyond the requirements of the federal act. Areas classified as such are not included in the act's definition of "covered areas" for purposes of mandatory participation in the program. Beyond this technical distinction lies the fact that Pennsylvanians have been hit with a plethora of federal mandates. I believe it is important to provide for relief where possible, in order to ensure the success of other, more pressing, programs.

Although I recognize the vital importance and long-range effect of addressing air pollution concerns in a timely manner, this is not the time to inflict the reformulated gasoline program on Pennsylvania counties which do not have the same serious level of air pollution as the Philadelphia area counties. Rather, these counties should be allowed to continue their ongoing and successful efforts to contain and reduce pollution levels, and to work toward achieving and maintaining compliance with accepted ambient air standards per the provisions of the federal act, without the added burden of the reformulated gasoline program. Such clean up and control efforts are and will continue to be greatly helped by the EPA's enforcement of the act's pollution control requirements in other states, which currently contribute large amounts of pollution to Pennsylvania's air.

I request your review and consideration of this situation, and the removal of these 28 counties from the undue requirement of participation in the reformulated gasoline program.

Thank you for your time and attention to this request. If I may be of any assistance, please do not hesitate to call me.

Sincerely,



Representative Jess M. Stairs  
59th Legislative District

JMS/er  
Enclosure

cc: Honorable Robert P. Casey, Governor





U.S.C. 601(2). In any case, these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the RPA, 5 U.S.C. 601-612. These amendments will not directly affect any small entity.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of \$100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with Foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.105.

#### List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: September 24, 1991.

Edward J. Derwinski,  
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

#### PART 3—ADJUDICATION

##### Subpart A—Pension Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 210, unless otherwise noted.

2. In § 3.2, add new paragraph (i) and its authority citation to read as follows:

#### § 3.2 Periods of war.

(i) *Persian Gulf War*, August 2, 1990, through date to be prescribed by Presidential proclamation or law.

(Authority: 38 U.S.C. 101(33))

#### § 3.3 (Amended)

3. In § 3.3(a)(3), second sentence, remove the words "and the Vietnam era", and insert, in their place, the words "the Vietnam era and the Persian Gulf War".

#### § 3.17 (Amended)

4. In § 3.17, first sentence, remove the words "or the Vietnam era", and insert,

in their place, the words "the Vietnam era or the Persian Gulf War".

#### § 3.54 (Amended)

5. In § 3.54, a new paragraph (a)(3)(viii) is added and the authority citation at the end of paragraph (a)(3) is revised to read as follows:

#### § 3.54 Marriage dates.

(a) . . .

(3) . . .

(viii) Persian Gulf War—January 1, 2001.

(Authority: 38 U.S.C. 332(d); 534(c); 538(c); 541(e); 541(f))

[FR Doc. 91-26091 Filed 11-14-91; 8:45 am]  
GAILING CODE 5320-07-0

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 80

(AMS-FRL-4030-6)

#### Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of application for extension of the Reformulated Gasoline Program to Massachusetts and Pennsylvania.

**SUMMARY:** This notice publishes the applications of the Governors of the Commonwealths of Massachusetts and Pennsylvania to have the prohibition set forth in section 211(k)(5) of the Clean Air Act as amended by Public Law 101-549 (the Act) applied in their states. Under section 211(k)(6) of the Administrator of EPA shall apply the prohibition against the sale of gasoline which has not been reformulated to be less polluting in an ozone nonattainment area upon the application of the governor of the state in which the nonattainment area is located.

**DATE:** The effective date of the prohibitions described herein is January 1, 1995 (see the Supplementary Information section of today's notice for a discussion of the possible delay of this date).

**ADDRESSES:** Materials relevant to this Notice are contained in Public Docket No. A-91-02. This docket is located in room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket may be inspected from 8:30 a.m. until 12 noon and from

1:30 p.m. until 3 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Joanne L. Goldhand, U.S. EPA (SDSB-12), Motor Vehicle Emission Laboratory, 2585 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 658-4504.

#### SUPPLEMENTARY INFORMATION

##### I. Background

As part of the Clean Air Act Amendments of 1990, Congress added a new subsection (k) to section 211 of the Clean Air Act. Subsection (k) prohibits the sale of gasoline that EPA has not certified as reformulated ("conventional gasoline") in the nine worst ozone nonattainment areas beginning January 1, 1995. To be certified as reformulated a gasoline must comply with the following formula requirements: oxygen content of at least 2.0 percent by weight; benzene content of no more than 1.0 percent by volume; no heavy metals (with a possible waiver for metals other than lead); and the inclusion of deposit preventing additives. The gasoline must also achieve toxic and volatile organic compound emissions reductions equal to or exceeding the more stringent of a specified formula fuel or a performance standard.

Section 211(k)(10)(D) defines the areas covered by the reformulated gasoline program as the nine ozone nonattainment areas having a 1980 population in excess of 250,000 and having the highest ozone design value during the period 1987 through 1989. Applying those criteria, EPA has determined the nine covered areas to be the metropolitan areas including Los Angeles, Houston, New York City, Baltimore, Chicago, San Diego, Philadelphia, Hartford and Milwaukee. Under section 211(k)(10)(D) any area reclassified as a severe ozone nonattainment area under section 181(b) is also to be included in the reformulated gasoline program.

Any other ozone nonattainment area may be included in the program at the request of the governor of the state in which the area is located. Section 211(k)(6)(A) provides that upon the application of a governor, EPA shall apply the prohibition against selling conventional gasoline in any area in the governor's state which has been classified as not attaining the ozone ambient air quality standard. That subparagraph further provides that EPA is to apply the prohibition as of the date he "deems appropriate, not later than January 1, 1995, or 1 year after such





application is received, whichever is later." In some cases the effective date may be extended for such an area as provided in section 211(k)(6)(B) based on a determination by EPA that there is "insufficient domestic capacity to produce" reformulated gasoline. Finally, EPA is to publish a governor's application in the Federal Register.

EPA published a notice of proposed rulemaking regarding the reformulated gasoline program July 9, 1991. Since that time, an agreement on the requirements was developed through regulatory negotiation; an outline of that agreement is available in the Docket for this rulemaking. A supplemental proposal more fully describing the agreement will be published as soon as possible. The proposed regulations will describe the certification program for reformulated gasolines, the averaging program and the enforcement program, among other elements. EPA plans to promulgate a final rule describing the requirements for reformulated gasoline in accordance with the statutory deadline.

#### II. Massachusetts' Request

EPA received an application from the Hon. William F. Weld, Governor of Massachusetts, for that state to be included in the reformulated gasoline program. His application is set out in full below.

[Massachusetts letterhead]

August 14, 1991.

William K. Reilly,  
Administrator, U.S. Environmental Protection  
Agency, Washington, DC 20460

Dear Mr. Reilly: By this letter the Commonwealth of Massachusetts formally requests inclusion in the Reformulated Gasoline Program, as described in section 211(k) of the 1990 Clean Air Act Amendments.

The entire state of Massachusetts is in the "serious" nonattainment category for ozone, and our Department of Environmental Protection believes that participation in the reformulated gasoline program is an important, if not essential element in the state's plan to achieve compliance with the ozone standard by the deadline of November 1995.

Thank you for your time and attention in this matter.

Sincerely,

William F. Weld,  
Governor.

EPA also received a request from the Honorable Robert P. Casey to opt the Marginal and Moderate nonattainment areas in his state into the reformulated gasoline program. His letter is set out in full below:

[Commonwealth of Pennsylvania Letterhead]  
September 25, 1991.

William K. Reilly,  
Administrator, U.S. Environmental Protection  
Agency, Room 1200 West Tower, 401 M  
Street SW, Washington, DC 20460

Dear Mr. Reilly: Pursuant to section 211(k)(6) of the Clean Air Act, 42 U.S.C. 7545(k)(6), a state can, upon the application of the Governor, require that the Administrator extend the federal reformulated fuels program to additional ozone non-attainment areas in the state. This letter serves as my application to you to extend the federal reformulated fuels program required by section 211(k) to the marginal and moderate ozone nonattainment areas in Pennsylvania identified in Attachment A.

Section 161 of the Clean Air Act, 42 U.S.C. 7511, classifies ozone nonattainment areas as marginal, moderate, serious, severe and extreme. There are thirty-three (33) counties in Pennsylvania which the Department and EPA have identified as either marginal, moderate or severe ozone nonattainment areas. Attachment A identifies the counties which have been classified as marginal, moderate or severe ozone nonattainment areas. The reformulated federal fuels programs already applies in the five counties classified as severe ozone nonattainment areas under section 211. My request to "opt-in" to the reformulated fuels program includes the twenty-eight (28) counties which are identified on Attachment A as marginal or moderate ozone nonattainment areas.

The state contact person for this application to extend the reformulated fuels program in all marginal and moderate ozone nonattainment areas is:

James K. Hambright,  
Director,  
Bureau of Air Quality Control, 1st Floor  
Executive House, 2nd and Chestnut Streets,  
P.O. Box 2387, Harrisburg, Pennsylvania  
17101-2387, Telephone: (717) 787-8702, Fax  
(717) 772-2303

The expansion of the federal reformulated fuels program to marginal and moderate ozone nonattainment areas is a major component of the Commonwealth's overall program to address regional ozone pollution in Pennsylvania and in adjacent northeast states.

Sincerely,

Robert P. Casey,  
Governor,  
Attachment

Attachment A

Areas Classified as Severe Ozone  
Nonattainment Areas<sup>1</sup>

1. Philadelphia County
2. Montgomery County
3. Bucks County
4. Chester County
5. Delaware County

Areas Classified as Moderate Ozone  
Nonattainment Areas

1. Berks County
2. Fayette County
3. Washington County
4. Westmoreland County
5. Allegheny County
6. Armstrong County

7. Beaver County
8. Butler County

Areas Classified as Marginal Ozone  
Nonattainment Areas

1. Lancaster County
2. York County
3. Adams County
4. Cumberland County
5. Dauphin County
6. Lebanon County
7. Perry County
8. Lehigh County
9. Northampton County
10. Carbon County
11. Monroe County
12. Lackawanna County
13. Luzerne County
14. Wyoming County
15. Columbia County
16. Blair County
17. Cambria County
18. Somerset County
19. Mercer County
20. Erie County

<sup>1</sup> These counties are already defined as "covered areas" and are subjected to the federal reformulated fuel program under Section 211(k)(1)(D).

#### III. Action

Pursuant to the governor's letters and the provisions of section 211(k)(6), the prohibitions of subsection 211(k)(5) will be applied to the entire state of Massachusetts and the Marginal and Moderate nonattainment areas in Pennsylvania beginning January 1, 1995 (except as provided above). The application of the prohibitions to these areas cannot take effect any earlier than January 1, 1995 under section 211(k)(5) and cannot take effect any later than January 1, 1995, under section 211(k)(6)(A), unless the Administrator extends the effective date by rule under section 211(k)(6)(B).

Dated: November 7, 1991.

William K. Reilly,  
Administrator  
[FR Doc. 91-27520 Filed 11-14-91; 8:45 am]  
BILLING CODE 5550-50-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 80

[PR Docket No. 90-26; FCC 91-307]

Rules Requiring That VHF Ship Station  
Transmitters Automatically Cease  
Operation After a Predetermined  
Period of Uninterrupted Operation

AGENCY: Federal Communications  
Commission.

ACTION: Final rule.





JESS M. STAIRS, MEMBER

R.D. #1

ACME, PA 15610

PHONE: (412) 423-5141

HOUSE POST OFFICE BOX 194

MAIN CAPITOL BUILDING

HARRISBURG, PA 17120-0028

PHONE: (717) 783-9311



## *House of Representatives*

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

### COMMITTEES

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STATE BOARD OF EDUCATION  
FIREFIGHTERS' CAUCUS  
EMERGENCY SERVICES  
OUTREACH GROUP  
PENNSYLVANIA CHILDREN'S TEAM

November 16, 1994

**COPY**

Honorable Robert P. Casey  
Governor  
Room 225, Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Casey:

I am writing to request that you rescind the requirement that western Pennsylvania counties participate in the reformulated gasoline program, which is due to start January 1, 1995.

The federal Clean Air Act Amendments of 1990 require the counties of Philadelphia, Montgomery, Chester, Bucks and Delaware to participate in the reformulated gasoline program, based on the region's "severe ozone nonattainment area" classification by the federal Environmental Protection Agency (EPA).

Although your discretionary power to require the inclusion of additional areas in the reformulated gasoline program appears to be provided for in the federal act, I strongly feel that your decision to "opt-in" 28 counties which are not classified as "extreme", "severe", or "serious" ozone nonattainment areas under the act is excessive, ill-conceived and overly burdensome to working men and women in Pennsylvania.

Inclusion of "moderate" and "marginal" regions, such as the opted-in 28 counties, in the reformulated gasoline program goes beyond the requirements of the federal act. Areas classified as such are not included in the act's definition of "covered areas" for purposes of mandatory participation in the program. Beyond this technical distinction lies the fact that Pennsylvanians have been hit with a plethora of mandates. I believe it is incumbent upon you to provide relief where possible, in order to ensure the success of other, more pressing, programs.

Although I recognize the vital importance and long-range effect of addressing air pollution concerns in a timely manner, this is not the time to inflict the reformulated gasoline program on western Pennsylvania counties which do not have the same serious level of air pollution as the Philadelphia area counties. Rather, these counties should be allowed to continue their ongoing and successful efforts to contain and reduce pollution levels, and to work toward achieving and maintaining compliance with accepted ambient air standards per the provisions of the federal act, without the added burden of the reformulated gasoline program. Such clean-up and control efforts are and will continue to be greatly helped by the EPA's enforcement of the act's pollution control requirements in other states, which currently contribute large amounts of pollution to Pennsylvania's air.



November 16, 1994  
Page Two

I call upon you to reconsider your decision regarding the inclusion of the additional 28 counties, and I request that you petition the EPA for removal of these counties from the undue requirement of participation in the reformulated gasoline program, as provided in the federal act at 42 U.S.C. §7506a(a)(2) (copy enclosed).

Thank you for your time and attention to this request.

- Sincerely,

Representative Jess M. Stairs  
59th Legislative District

JMS/er  
Enclosure

cc: Carol Browner, Administrator, Environmental Protection Agency ✓





departments of transportation before such organizations and the Secretary make conformity determinations;

(ii) address the appropriate frequency for making conformity determinations, but in no case shall such determinations for transportation plans and programs be less frequent than every three years; and

(iii) address how conformity determinations will be made with respect to maintenance plans.

(C) Such procedures shall also include a requirement that each State shall submit to the Administrator and the Secretary of Transportation within 24 months of such date of enactment [enacted Nov. 15, 1990], a revision to its implementation plan that includes criteria and procedures for assessing the conformity of any plan, program, or project subject to the conformity requirements of this subsection.

(d) [Unchanged]

(July 14, 1955, ch 360, Title I, Part D, Subpart 1, § 176, as added Aug. 7, 1977, P. L. 95-95, Title I, § 129(b), 91 Stat. 749; Nov. 16, 1977, P. L. 95-190, § 14(a)(59), 91 Stat. 1403; Nov. 15, 1990, P. L. 101-549, Title I, §§ 101(f), 102(a)(1), 110(4), 104 Stat. 2409, 2412, 2470.)

#### HISTORY; ANCILLARY LAWS AND DIRECTIVES

##### Amendments:

1990, Act Nov. 15, 1990 (effective on enactment, except as provided by § 711(b) of such Act, which appears as 42 USC § 7401 note), deleted subsecs. (a) and (b), which read:

"(a) Approval of projects or award of grants. The Administrator shall not approve any projects or award any grants authorized by this Act and the Secretary of Transportation shall not approve any projects or award any grants under title 23, United States Code, other than for safety, mass transit, or transportation improvement projects related to air quality improvement or maintenance, in any air quality control region—

"(1) in which any national primary ambient air quality standard has not been attained,

"(2) where transportation control measures are necessary for the attainment of such standard, and

"(3) where the Administrator finds after July 1, 1979, that the Governor has not submitted an implementation plan which considers each of the elements required by section 172 or that reasonable efforts toward submitting such an implementation plan are not being made (or, after July 1, 1982, in the case of an implementation plan revision required under section 172 to be submitted before July 1, 1982).

"(b) Implementation of approved or promulgated plans. In any area in which the State or, as the case may be, the general purpose local government or governments or any regional agency designated by such general purpose local governments for such purpose, is not implementing any requirement of an approved or promulgated plan under section 110, including any requirement for a revised implementation plan under this part, the Administrator shall not make any grants under this Act."

Such Act further (effective as above) in subsec. (c), designated the existing provisions as para. (1), and in such para., deleted "(1)" preceding "engage in", deleted "(2)" preceding "support", deleted "(3)" preceding "license or", deleted "(4)" preceding "approve", substituted "an implementation plan" for "a plan" each place it appears, inserted "Conformity to an implementation plan means—", added subparagraphs. (A), (B) and the concluding matter, and added paras. (2)-(4).

##### Redesignation:

This section, enacted as § 176 of Title I, Part D of Act July 14, 1955, ch 360, was redesignated as § 176 of Subpart 1 of such Title and Part by Act Nov. 15, 1990, P. L. 101-549, Title I, § 102(a)(1), 104 Stat. 2412, effective on enactment, except as provided by § 711(l) of such Act, which appears as 42 USC § 7401 note.

##### Other provisions:

**Savings provisions.** For savings provisions applicable to the amendments made to this section by Act Nov. 15, 1990, see Act Nov. 15, 1990, P. L. 101-549, Title VII, § 711(a), 104 Stat. 2684, which appears as 42 USC § 7401 note.

#### RESEARCH GUIDE

##### Annotations:

Clean Air Act implementation plans for nonattainment areas. 90 ALR Fed 481.

#### INTERPRETIVE NOTES AND DECISIONS

##### 3. Practice and procedure

HUD may have violated 42 USC § 7506(c) by preliminarily approving urban development grant, even though HUD contends that it delegated responsibility for environmental review of development project to city applying for grant under 42 USC § 5304(f)(1), because HUD has been put on notice by EPA that project may not comply with federal carbon monoxide standards and there is serious

question whether HUD can relinquish responsibility for compliance with environmental statutes until city certifies that it has complied with environmental review responsibilities. *Atlantic Terminal Urban Renewal Area Coalition v. New York City Dept. of Environmental Protection* (1988, SD NY) 697 F Supp 666, 19 ELR 20290, later proceeding (SD NY) 697 F Supp 157, 19 ELR 20295, motion den, in part (SD NY) 1989 US Dist LEXIS 1669.

##### § 7506a. Interstate transport commissions

(a) Authority to establish interstate transport regions. Whenever, on the Administrator's own motion or by petition from the Governor of any State, the Administrator has reason to believe that the interstate transport of air pollutants from one or more States contributes significantly to a violation of a national ambient air quality standard in one or more other States, the Administrator may establish, by rule, a transport region for such pollutant that includes such States. The Administrator, on the Administrator's own motion or upon petition from the Governor of any State, or upon the recommendation of a transport commission established under subsection (b), may—

(1) add any State or portion of a State to any region established under this subsection whenever the

Administrator has reason to believe that the interstate transport of air pollutants from such State significantly contributes to a violation of the standard in the transport region, or

(2) remove any State or portion of a State from the region whenever the Administrator has reason to believe that the control of emissions in that State or portion of the State pursuant to this section will not significantly contribute to the attainment of the standard in any area in the region.

The Administrator shall approve or disapprove any such petition or recommendation within 18 months of its receipt. The Administrator shall establish appropriate proceedings for public participation regarding such petitions and motions, including notice and comment.

(b) Transport commissions. (1) Establishment. Whenever the Administrator establishes a transport region under subsection (a), the Administrator shall establish a transport commission comprised of (at a minimum) each of the following members:

(A) The Governor of each State in the region or the designee of each such Governor.

(B) The Administrator or the Administrator's designee.

(C) The Regional Administrator (or the Administrator's designee) for each Regional Office for each Environmental Protection Agency Region affected by the transport region concerned.

(D) An air pollution control official representing each State in the region, appointed by the Governor.

Decisions of, and recommendations and requests to, the Administrator by each transport commission may be made only by a majority vote of all members other than the Administrator and the Regional Administrators (or designees thereof).

(2) Recommendations. The transport commission shall assess the degree of interstate transport of the pollutant or precursors to the pollutant throughout the transport region, assess strategies for mitigating the interstate pollution, and recommend to the Administrator such measures as the Commission determines to be necessary to ensure that the plans for the relevant States meet the requirements of section 110(a)(2)(D) [42 USC § 7410(a)(2)(D)]. Such commission shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(c) Commission requests. A transport commission established under subsection (b) may request the Administrator to issue a finding under section 110(k)(5) [42 USC § 7410(k)(5)] that the implementation plan for one or more of the States in the transport region is substantially inadequate to meet the requirements of section 110(a)(2)(D) [42 USC § 7410(a)(2)(D)]. The Administrator shall approve, disapprove, or partially approve and partially disapprove such a request within 18 months of its receipt and, to the extent the Administrator approves such request, issue the finding under section 110(k)(5) [42 USC § 7410(k)(5)] at the time of such approval. In acting on such request, the Administrator shall provide an opportunity for public participation and shall address each specific recommendation made by the commission. Approval or disapproval of such a request shall constitute final agency action within the meaning of section 307(b) [42 USC § 7607(b)].

(July 14, 1955, ch 360, Title I, Part D, Subpart 1, § 176A, as added Nov. 15, 1990, P. L. 101-549, Title I, § 102(f)(1), 104 Stat. 2419.)

#### HISTORY; ANCILLARY LAWS AND DIRECTIVES

##### Effective date of section:

This section is effective on enactment, except as provided by § 711(b) of Title VII of Act Nov. 15, 1990, P. L. 101-549, 104 Stat. 2684, which appears as 42 USC § 7401 note.

##### Other provisions:

**Savings provisions.** For savings provisions applicable to the enactment of this section by Act Nov. 15, 1990, see Act Nov. 15, 1990, P. L. 101-549, Title VII, § 711(a), 104 Stat. 2684, which appears as 42 USC § 7401 note.

#### § 7507. New motor vehicle emission standards in nonattainment areas

[Introductory matter unchanged]

(1), (2) [Unchanged]

Nothing in this section or in title II of this Act [42 USC §§ 7521 et seq.] shall be construed as authorizing any such State to prohibit or limit, directly or indirectly, the manufacture or sale of a new motor vehicle or motor vehicle engine that is certified in California as meeting California standards, or to take any action of any kind to create, or have the effect of creating, a motor vehicle or motor vehicle engine different than a motor vehicle or engine certified in California under California standards (a "third vehicle") or otherwise create such a "third vehicle".

(July 14, 1955, ch 360, Title I, Part D, Subpart 1, § 177, as added Aug. 7, 1977, P. L. 95-95, Title I, § 129(b), 91 Stat. 750; Nov. 15, 1990, P. L. 101-549, Title I, § 102(a)(1), Title II, Part B, § 232, 104 Stat. 2412, 2529.)

#### HISTORY; ANCILLARY LAWS AND DIRECTIVES

##### Amendments:

1990, Act Nov. 15, 1990 (effective on enactment, except as provided by § 711(b) of such Act, which appears as 42 USC § 7401 note) added the concluding matter.

##### Redesignation:

This section, enacted as § 177 of Title I, Part D of Act July 14, 1955, ch 360, was redesignated as § 177 of Subpart 1 of such Title and Part by Act Nov. 15, 1990, P. L. 101-549, Title I, § 102(a)(1), 104 Stat. 2412, effective on enactment, except as provided by § 711(b) of such Act, which appears as 42 USC § 7401 note.







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

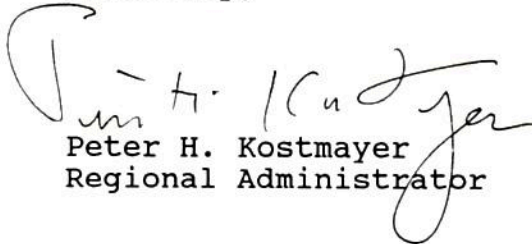
Honorable Robert P. Casey  
Governor  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania 17120

Dear Governor Casey:

Thank you for your letter of November 15, 1994 transmitting the draft report, commissioned by the Clean Air Working Group and the Governor's Economic Development Partnership, regarding the attainment of the ozone air quality standard in Philadelphia by November 15, 1999. EPA looks forward to the completion and submittal of the urban airshed modeling and the final report of emission control strategies. EPA is aware of the difficult choices that will have to be made in determining the mix of necessary emission control strategies so that Philadelphia can attain the ozone standard. EPA would support any effort that would make these choices earlier, rather than later, so that permanent, quantifiable and enforceable emission reductions are obtained so that Philadelphia can attain the ozone standard by 2005 or the earlier date of 1999.

Again, thank you for your letter and the draft report. If you have any questions, please feel free to call me or have your staff call Mr. Thomas J. Maslany, Director, Air, Radiation and Toxics Division, at (215) 597-3025.

Sincerely,

  
Peter H. Kostmayer  
Regional Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III

841 Chestnut Building

Philadelphia, Pennsylvania 19107

Honorable Robert P. Casey  
Governor  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania 17120

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Again, thank you for your letter and the draft report. If you have any questions, please feel free to call me or have your staff call Mr. Thomas J. Maslany, Director, Air, Radiation and Toxics Division, at (215) 597-3025.

Sincerely,

Peter H. Kostmayer  
Regional Administrator

11/23  
JH

11/25

H:/GROUP/3AT13/CASEYPHL.LTR:11/15/94 CONCURRENCES							
SYMBOL	3AT13	3AT13 <i>RP 11/15</i>	3AT10	3AT00	3EA10	3RA00	
SURNAME	STAHL	ARNOLD	SPINK <i>W/d</i>	MASLANY	WELSH	KOSTMAYER	
DATE	<i>04-20-94</i> <i>11/15/94</i>	<i>11/15</i>	<i>11/15/94</i>		<i>D. Ryan</i> <i>11/18/94</i>		





THIS ITEM IS BEING TRACKED

ACTION DUE BY

11/22

RA CONTROL NUMBER 3RA

1278-74



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HARRISBURG

November 15, 1994

## ACTION FYI

- ☐ DEP REGIONAL ADMINISTRATOR (3DA00)
- ☐ ASST REGIONAL ADMINISTRATOR (3PM00)
- ☐ WATER MANAGEMENT DIVISION (3WM00)
- ☐ HAZ WASTE MGMT DIVISION (3HW00)
- ☐ ENV SERVICES DIVISION (3ES00)
- ☒ AIR, RAD & TOXICS DIV (3AT00)
- ☐ REGIONAL COUNSEL (3RC00)
- ☐ EXTERNAL AFFAIRS (3EA00)
- ☐ CHES BAY PROGRAM OFFICE (3CB00)
- ☐ JOHN SEAGER (3RA00)
- ☐ LARRY TELLER (3RA00)
- ☐ MARIE OWENS (3RA00)
- ☒ TRACKING

RECEIVED  
Air & Mobile Sources  
Section (3AT13)

NOV 15 1994

EPA, REGION III

1

19107

ew and information is a progress  
Economic Development Partnership's  
a state implementation plan amendment  
f the 1999 ozone attainment standard  
lphia region.

s provided in response to  
1994, letter to Colin McNeil of the  
ed "if a timely, EPA-approved [Urban  
tration shows attainment [with the  
5, 1999," EPA would be willing to  
's request for reclassification of

A. Davis, Secretary of the  
Environmental Resources, met with  
94, and requested EPA, for the third  
delphia region from a "severe" to a  
. Ms. Nichols' February 28, 1994,  
' request for reclassification, but  
o provide the Commonwealth with the  
to resubmit its request" for reclassification.

## ACTION NEEDED

- PREPARE REPLY FOR SIGNATURE OF THE RA
- REVIEW AND DISCUSS WITH RA
- ADVISE \_\_\_\_\_
- COORDINATE WITH \_\_\_\_\_
- REVIEW AND TAKE ACTION AS APPROPRIATE
- FORWARD COPY OF RESPONSE TO (3RA00)  
PLEASE NOTE RA CONTROL NUMBER ON COPY

## REMARKS:

Since receiving Ms. Nichols' letter, the EDP's Clean Air Workgroup, consisting of representatives of state government and some of the largest employers in the Philadelphia region, has developed a strategy to bring the Philadelphia region into compliance with the federal Clean Air Act's requirements by 1999. The Workgroup met numerous times this summer and fall and has identified specific control methods and pollution reduction strategies which are described in the attached report.





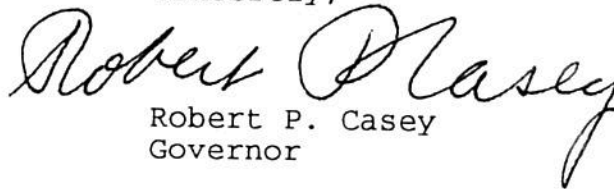
Mr. Peter Kostmayer  
November 15, 1994  
Page -2-

As you may know, the Commonwealth has contracted with Rutgers University to perform the UAM modeling required by EPA. The Clean Air Workgroup has also contracted with Rutgers University to perform the UAM modeling necessary to demonstrate attainment of the 1999 ozone attainment standards.

The information contained in the attached report has been provided to Rutgers University which anticipates completing the Philadelphia region's UAM modeling in the next few months. This "UAM attainment demonstration" will be provided to you as soon as it becomes available.

Thank you and please contact Andrew Greenberg, Secretary of the Pennsylvania Department of Commerce at (717) 783-3840 should you have any questions regarding this report.

Sincerely,

  
Robert P. Casey  
Governor





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Honorable Robert P. Casey  
Governor  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania 17120

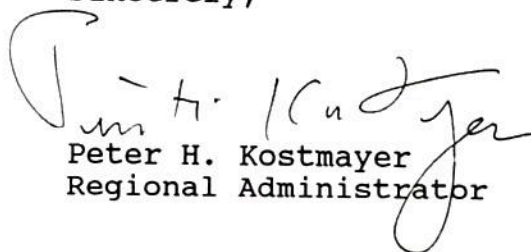
NOV 25 1994

Dear Governor Casey:

Thank you for your letter of November 15, 1994 transmitting the draft report, commissioned by the Clean Air Working Group and the Governor's Economic Development Partnership, regarding the attainment of the ozone air quality standard in Philadelphia by November 15, 1999. EPA looks forward to the completion and submittal of the urban airshed modeling and the final report of emission control strategies. EPA is aware of the difficult choices that will have to be made in determining the mix of necessary emission control strategies so that Philadelphia can attain the ozone standard. EPA would support any effort that would make these choices earlier, rather than later, so that permanent, quantifiable and enforceable emission reductions are obtained so that Philadelphia can attain the ozone standard by 2005 or the earlier date of 1999.

Again, thank you for your letter and the draft report. If you have any questions, please feel free to call me or have your staff call Mr. Thomas J. Maslany, Director, Air, Radiation and Toxics Division, at (215) 597-3025.

Sincerely,

  
Peter H. Kostmayer  
Regional Administrator



**CONTROLLED CORRESPONDENCE  
FROM THE  
GOVERNMENT AFFAIRS BRANCH**

CONTROL NUMBER: **AX9410614**

RECEIVED FROM/RESPOND TO:

Mr. George A. Davidson, Jr.  
Mr. Frank R. Mascara  
Co-Chairmen, Southwestern  
Pennsylvania Growth Alliance  
600 Grant Street, Suite 4444  
Pittsburgh, PA 15219

**SIGNATURE: Regional Administrator**

SUBJECT: Reformulated Gas Program in PA

RECEIVED IN GAB: 11/04/94

DATE DUE IN GAB: 11/16/94

DATE SIGNED: NOV 25 1994

**RECEIVED**

NOV 4 1994

**AIR, RADIATION & TOXICS  
Division**

REFERRED ONLY TO THE DIVISION POC IN BOLD PRINT ON: 11/04/94

**Air, Radiation and Toxics Division (Dottie Todd)**

Chesapeake Bay Program (Kim Lonasco)

Environmental Equity (Dominique Luckenhoff)

Environmental Services Division (Gayl Solomon)

Hazardous Waste Management Division (Alicia Morris)

Office of External Affairs (Angela Cochnar)

Office of Policy and Management (Marie Owens)

Office of Regional Counsel (Geri DiSantis)

Water Management Division (Louvinia Madison-Glenn)

*Spink #936*

1994

**SPECIAL INSTRUCTIONS:** When responding to White House and Executive Correspondence, please state (in the first paragraph of the response) that we are responding on behalf of whoever the citizen's letter was addressed to.

**REGION III**





THE  
SOUTHWESTERN  
PENNSYLVANIA  
GROWTH

**Alliance**



October 28, 1994

CO-CHAIRS

The Honorable Frank R. Mascara  
George A. Davidson, Jr.

COUNTY CO-CHAIRS

☐ ALLEGHENY COUNTY

The Honorable Thomas J. Foerster  
George A. Davidson, Jr.

☐ ARMSTRONG COUNTY

The Honorable Robert A. Cimpinski  
Elizabeth White

☐ BEAVER COUNTY

The Honorable James Albert  
Richard L. Shaw

☐ BUTLER COUNTY

The Honorable James A. Green  
Sonny Kiser

☐ FAYETTE COUNTY

The Honorable Fred L. Lebber  
Robert E. Eberly, Sr.

☐ GREENE COUNTY

The Honorable Pauline M. Grumrine  
G. Edward Stiles

☐ LAWRENCE COUNTY

The Honorable Vern L. Eppinger  
Diane Haughwout

☐ WASHINGTON COUNTY

The Honorable Frank R. Mascara  
Robert G. Hecht

☐ WESTMORELAND COUNTY

The Honorable Ted Simon  
Conrad Stephanites

☐ THE CITY OF PITTSBURGH

The Honorable Thomas J. Murphy, Jr.

**DIRECTOR**

James T. Unabarger

Ms. Carol M. Browner  
Administrator  
US Environmental Protection Agency  
Room 1200 West Tower  
401 M. Street, SW  
Washington, DC 20460

Dear Administrator Browner:

Southwestern Pennsylvania may suffer severe economic harm if the implementation of the federal reformulated fuels program is not delayed. The flooding in Texas has disrupted a distribution system that is, in normal times, stretched to the limit to supply our region with petroleum products. The implementation of the reformulated fuel program by January 1 will lead to further disruptions, spot shortages and unfair price increases.

The Southwestern Pennsylvania Growth Alliance requests that you suspend the enforcement of the reformulated fuels program for two reasons. With the recent redesignation of the Pittsburgh region as in attainment with ground level ozone standards, the program, as it is presently designed, may not be needed. With the disruptions in the distribution system, there will not be an adequate supply of reformulated fuels and other petroleum products at fair prices. Before the program is implemented, there should be hearings to determine if the program is needed, and if the petroleum industry can deliver an adequate supply of petroleum products at fair prices.

The Southwestern Pennsylvania Growth Alliance is a nine-county alliance of public and private leadership promoting growth in our region. The Alliance is particularly interested in environmental issues related to air quality and industrial site reuse initiatives.



7-12 231 1998 P. 23

We look forward to your response to our urgent request.

Sincerely yours,

*George A. Davidson, Jr.*

George A. Davidson, Jr.,  
Co-Chairman  
SW PA Growth Alliance  
Chairman & CEO  
Consolidated Natural Gas Co.

CC:

The Honorable Robert P. Casey  
Southwestern Pennsylvania General Assembly Delegation  
Southwestern Pennsylvania Congressional Delegation  
Growth Alliance Steering Committee  
Growth Alliance Policy and Planning Committee

*Frank R. Mascara*

Frank R. Mascara  
Co-Chairman  
SW PA Growth Alliance  
Chairman, Washington Co.  
Board of Commissioners





THE  
SOUTHWESTERN  
PENNSYLVANIA  
GROWTH

**Alliance**



CO-CHAIRS

The Honorable Frank R. Mascara  
George A. Davidson, Jr.

COUNTY CO-CHAIRS

☐ ALLEGHENY COUNTY

The Honorable Thomas J. Foerster  
George A. Davidson, Jr.

☐ ARMSTRONG COUNTY

The Honorable Robert A. Cimpinski  
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G. Edward Stiles

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The Honorable Vern L. Eppinger  
Diane Haughwout

☐ WASHINGTON COUNTY

The Honorable Frank R. Mascara  
Robert G. Hecht

☐ WESTMORELAND COUNTY

The Honorable Ted Simon  
Conrad Stephanites

☐ THE CITY OF PITTSBURGH

The Honorable Thomas J. Murphy, Jr.

DIRECTOR

James T. Unaberger

October 28, 1994

The Honorable Robert P. Casey  
Governor  
225 Main Capitol  
Harrisburg, Pennsylvania 17120

Dear Governor Casey:

The Southwestern Pennsylvania Growth Alliance applauds your support of the Pennsylvania Regional Strategy before the Ozone Transport Commission. This strategy is critical to western Pennsylvania's competitive position.

Equally critical is a delay in the implementation of the new federal reformulated fuels program. The flooding in Texas has disrupted a distribution system that is, in normal times, stretched to the limit to supply our region with petroleum products. The implementation of the reformulated fuel program by January 1 will lead to further disruptions, spot shortages and unfair price increases.

We urge you to request the Environmental Protection Agency to delay the implementation of the program until there is an adequate supply of reformulated fuels and other petroleum products at fair prices.

We also urge you to hold public meetings throughout the Commonwealth to identify the problems that will occur with a hasty implementation of the reformulated fuels program, and to determine if the program, as it is presently designed, is necessary.

We stand ready to assist you in holding an open forum in the southwestern Pennsylvania region on this issue.



Thank you for your consideration on this vital issue.

Sincerely yours,

*George Davidson Jr*

George A. Davidson, Jr.,  
Co-Chairman  
SW PA Growth Alliance  
Chairman & CEO  
Consolidated Natural Gas Co.

*Frank Mascara*

Frank R. Mascara  
Co-Chairman  
SW PA Growth Alliance  
Chairman, Washington Co.  
Board of Commissioners

CC:

Carol M. Browner, Administrator, EPA  
Southwestern Pennsylvania General Assembly Delegation  
Southwestern Pennsylvania Congressional Delegation  
Growth Alliance Steering Committee  
Growth Alliance Policy and Planning Committee







**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

NOV 25 1994

Mr. George A. Davidson, Jr.  
Mr. Frank R. Mascara  
Co-Chairmen, Southwestern Pennsylvania Growth Alliance  
600 Grant Street, Suite 4444  
Pittsburgh, Pennsylvania 15219

Dear Mr. Davidson and Mr. Mascara:

I am responding to your October 28, 1994 letter to Carol Browner, Administrator, Environmental Protection Agency, which requests suspended enforcement of the reformulated gasoline (RFG) program. Unfortunately such a suspension cannot be granted. However, I would like to clear up some common misconceptions about the program and some misinterpretations regarding the Pittsburgh area's redesignation request. Further addressed are your concerns about distribution problems caused by the flooding problem located near the Colonial pipeline in Texas.

The RFG program officially begins on January 1, 1995. As of this date, retail stations in required areas must only sell RFG to customers. The EPA estimates that the incremental cost associated with RFG will range from 3 to 5 cents per gallon.

EPA has consulted with officials at the Department of Energy (DOE) regarding the availability of RFG and oxygenated blendstocks. EPA and DOE are confident that supplies of RFG will be adequate in the Commonwealth, and in the 11 other northeast states that will be required to use RFG. EPA and DOE will continue to monitor the pipeline situation closely and will assist in contingency planning, if necessary, to avoid RFG shortages in the northeast.

It is important to note that RFG will yield dramatic air quality benefits. RFG use in 1995 will lead to a 15% reduction in the formation of ozone-forming compounds in the summer-time, as well as a 15% reduction in toxic emissions year-round. In 2000, these benefits will jump to reduction levels of 25% for ozone-forming compounds, and 20% for toxics. These reductions translate into very real health benefits for your citizens. Use of RFG will ensure that the good air quality trend in the region continues; and that the people of southwestern Pennsylvania continue to enjoy cleaner air and reduced risk to the exposure of cancer-causing pollutants.

While EPA recognizes that the area has monitored improved air quality for over three years, it is not simply an administrative exercise to remove the RFG requirement now imposed. EPA is currently reviewing the Commonwealth's

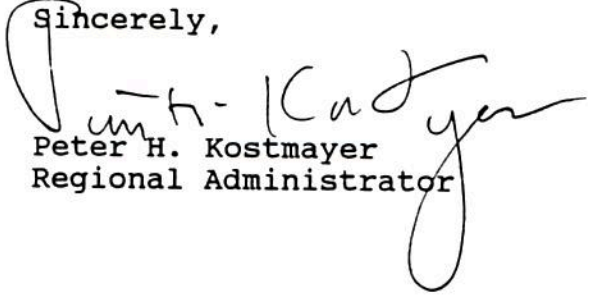


redesignation request and maintenance plan for keeping the area in attainment with the Act's standards. This is necessary to ensure that the gains the Pittsburgh region has achieved in the past few years, continue to be realized into the future. Consequently, until the area is redesignated to attainment, removal of the RFG requirement in the Pittsburgh area cannot even be considered.

The RFG requirement in 28 of the Commonwealth's counties stems from action taken by the Governor in 1991. (RFG was already to be required in the 5 Philadelphia counties.) Shortly after the Clean Air Act of 1990 was passed, Governor Casey, along with 11 other governors in the northeast, petitioned EPA to allow classified nonattainment areas (such as Pittsburgh) to participate in the RFG program. As outlined above, the health benefits from RFG assured these governors that the states' options to be included in the program should be exercised. As a result of Governor Casey's action, the goal towards improving air quality in the Commonwealth has been greatly bolstered.

Should you need further details on the emission reduction benefits of RFG in the Commonwealth, or further explanation of the Pittsburgh redesignation request, please contact the Commonwealth's Department of Environmental Resources. I hope my input leads to a better understanding and support of the RFG program by your organization.

Sincerely,



Peter H. Kostmayer  
Regional Administrator





NOV 25 1994

2

imposed. EPA is currently reviewing the Commonwealth's redesignation request and maintenance plan for keeping the area in attainment with the Act's standards. This is necessary to ensure that the gains the Pittsburgh region has achieved in the past few years, continue to be realized into the future. Consequently, until the area is redesignated to attainment, removal of the RFG requirement in the Pittsburgh area cannot even be considered.

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Sincerely,

Peter H. Kostmayer  
Regional Administrator

5 11/22/94

H:/GROUP/3AT13/SWPA:11/14/94		CONCURRENCES					
SYMBOL	3AT13	3AT13	3AT10	3AT00	3EA10	3RA00	
SURNAME	MAGLIOCCH	ARNOLD	SPINK	MASLANY	WELSH	KOSTMAYER	
DATE	11/14/94	11/14/94	11/15/94	11/15/94	11/15/94		

EPA Form 1320-1 (12-70) OFFICIAL FILE COPY





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

NOV 18 1994

Mr. James M. Salvaggio, Director  
Bureau of Air Quality Control  
Department of Environmental Resources  
Commonwealth of Pennsylvania  
Market Street Office Building, 12th Floor  
400 Market Street  
P.O. Box 8468  
Harrisburg, Pennsylvania 17105-8468

Dear Mr. Salvaggio: *Jim*

Thank you for the opportunity to comment on the Commonwealth's proposed regulations published in the Pennsylvania Bulletin on September 24, 1994 regarding the establishment of a Clean Fuel Fleet program (CFV). We have reviewed the proposed regulations and determined that they are consistent with the CFV requirements promulgated by EPA. We offer one comment which would strengthen the enforcement provisions of the proposed rule. Pennsylvania should include in the State plan, under the description of collection of data requirements, that data on fuel usage and refueling patterns be collected from fleets. This information is essential to determine compliance with the CFV provisions. Although this requirement is not listed in the rule, section 126.309(b)(11) provides the Department with the authority to collect any other information necessary to develop and implement the CFV program. We feel that data on fuel usage and refueling patterns can be obtained from the fleet operators through this provision. A discussion of this interpretation in the preamble would provide assurance that this data would be collected and used to determine compliance.

We would like to recognize the efforts of your Bureau in developing these proposed regulations. As intended by the Clean Air Act, the CFV program is to be a state run program and many features of the program afford flexibility to the states. One specific area is the coordination with neighboring states within the same nonattainment area. In this area, the Bureau has taken a proactive role by inviting neighboring states to be a part of the advisory committee which was essential to the development of the proposed regulations. The coordination and consultation efforts to include the regulated public and other state departments in the development of the proposed CFV program is an example of leadership and dedication to improving air quality.

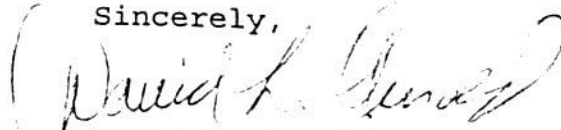






Again, we offer our support of the proposed regulations establishing a CFV program in the Commonwealth. As you are aware, Kelly Sheckler is the staff contact for the CFV program and can be reached at (215) 597-6863.

Sincerely,

A handwritten signature in dark ink, appearing to read "David L. Arnold", enclosed within a large, stylized circular flourish.

David L. Arnold, Chief  
Ozone and Mobile Sources Section





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Honorable Richard J. Cessar  
House of Representatives  
Harrisburg, Pennsylvania 17120-0028

NOV 08 1994

Dear Mr. Cessar:

We are responding to your November 4, 1994 letter. You asked whether the list of highway projects in your letter would be impacted by EPA's imposition of federal highway funding sanctions if Governor Casey's veto of HB1514 is overridden by the State legislature.

We have reviewed the list and determined that all the projects would be impacted by the federal highway funding sanctions. This would result in the loss of both pre-construction and construction jobs and would negatively impact the economic development of the southwestern Pennsylvania area.

EPA is prepared to impose highway sanctions in the Commonwealth if the Governor's veto is overridden. We encourage the legislature to allow the implementation of Pennsylvania's centralized, test-only motor vehicle inspection and maintenance program.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Kostmayer".

Peter H. Kostmayer  
Regional Administrator

happy to chat with you  
on this at any time



## RICHARD J. CESSAR, MEMBER

DISTRICT OFFICE:  
1412 MT. ROYAL BOULEVARD  
GLENDALE, PA 15116  
PHONE: (412) 487-3747

HARRISBURG OFFICE:  
P.O. BOX 68  
HARRISBURG, PA 17120-0068  
PHONE: (717) 783-1490

*House of Representatives*

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

## COMMITTEES

TRANSPORTATION,  
REPUBLICAN CHAIRMAN

BUSINESS AND ECONOMIC DEVELOPMENT

MEMBER, STATE TRANSPORTATION COMMISSION

MEMBER, RAIL FREIGHT ADVISORY COMMITTEE

MEMBER, PORT OF PITTSBURGH COMMISSION

MAGLEV CAUCUS, CO-CHAIRMAN

November 4, 1994

Mr. Peter A. Kostmayer  
Regional Administrator  
United States Environmental Protection Agency  
Region III  
841 Chestnut Building  
Philadelphia, PA 19107-4431

Dear Mr. Kostmayer:

In my position as Republican Chairman of the House Transportation Committee as well as someone who is very concerned about the highway system in western Pennsylvania, specifically, southwestern Pennsylvania, it is my understanding there are several highway projects of critical economic development importance that may be jeopardized if Governor Casey's veto of HB1514 is overridden by the State Legislature.

The following projects are listed in the 1995-1998 Transportation Improvement Program (TIP) funded through the ISTEA Title 1 Program monies:

- Fort Pitt Bridge
- Fort Pitt Bridge to Smithfield
- Glenwood Bridge (Monongahela River)
- 31st Street Bridge
- Blvd. of Allies Bridge over Forbes Blvd.
- I-279/376 Connector Project
- Tunnel Rehabilitation Project
- West-End Bypass
- Liberty Tunnels Project
- Wood Street Construction Project





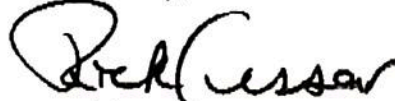
Mr. Peter A. Kostmayer

Page 2

November 4, 1994

This is only a partial listing of the critical projects in the southwestern part of our state. I am sure there are many others. Could you please indicate if any of these projects would be adversely impacted by an override of the Governor's veto?

Sincerely,



Richard J. Cessar  
House of Representatives

RJC:sfs

cc: Mr. Dave Arnold  
Chief, Ozone Mobile Sources Section





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Mr. Frederick Lanni  
2639 Beechwood Boulevard  
Pittsburgh, Pennsylvania 15213-2525

Dear Mr. Lanni:

Thank you for your letter of October 10, 1994 to Mr. Peter Kostmayer. You expressed concern that automobiles do not make up a significant portion of the emission inventory in Allegheny County. According to data provided by the Pennsylvania Department of Environmental Resources (PADER), in their 1990 base year emission inventory, automobile emissions are the single largest contributor of pollution in Allegheny County. Emissions from vehicles constitute 31% of the inventory. Approximately 90 out of 287 tons per day of VOC is attributable to automobiles in Allegheny County. While emissions from point sources (e.g. steel industry, etc.) constitute 28% of the emissions inventory (81 tons per day of VOC).

With regard to the control of stationary/point source emissions (e.g. coke/steel plants), the Clean Air Act Amendments of 1990 (CAA) establish stringent standards which must be applied to these sources. Over the years EPA has closely monitored the emissions from the coke plants in Allegheny County through various enforcement actions and consent decrees. This has resulted in the application of the state-of-the-art emission control technologies being applied and used at these facilities. In addition, to regulating emissions from stationary/point sources, the CAA recognized that automobile emissions are a large contributor to the ozone problem and established standards to regulate these sources. The inspection and maintenance program is one of these programs. It is estimated that the I/M program will reduce ozone producing emissions by 28%.

Again thank you for your concern. If you have any questions, please feel free to contract me at (215) 597-4556 or Kelly Sheckler at (215) 597-6863.

Sincerely,

A handwritten signature in dark ink, which appears to read "David L. Arnold", is written over a circular stamp that is partially visible.

David L. Arnold, Chief  
Ozone and Mobile Sources Section





**CONTROLLED CORRESPONDENCE  
FROM THE  
GOVERNMENT AFFAIRS BRANCH**

CONTROL NUMBER: **AL9404630**

RECEIVED FROM/RESPOND TO:

Honorable Rick Santorum  
House of Representatives  
Washington, DC 20515

Dear Congressman Santorum:

SUBJECT: PA's Suspension of the Emissions Testing Plan

RECEIVED IN GAB: 10/11/94

DATE DUE IN GAB: 10/20/94

DATE SIGNED: OCT 14 1994

DELIVERED TO THE CORRESPONDENCE CONTROL POINT IN **BOLD** ON: 10/12/94

**Air, Radiation and Toxics Division (Dottie Todd)**

Chesapeake Bay Program (Kim Lonasco)

Environmental Equity (Dominique Lueckenhoff)

Environmental Services Division (Gayl Solomon)

Hazardous Waste Management Division (Alicia Morris)

Office of External Affairs (Angela Cochnar)

Office of Policy and Management (Joan Kopper)

Office of Regional Counsel (Geri DiSantis)

Water Management Division (Louvinia Madison-Glenn)

**SPECIAL INSTRUCTIONS:** When responding to correspondence controlled to the Region from headquarters, please state (in the first paragraph of the response) that we are responding on behalf of whoever the letter was addressed to at headquarters.



# CONTROL SLIP FOR OFFICE OF CONGRESSIONAL CORRESPONDENCE

CONTROL NO : AL9404630

FROM : SANTORUM, RICK R/PA  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

DUE DATE: 10/19/94  
ORIGINAL DUE DATE: 10/17/94  
CORRES. DATE: 09/29/94

RECEIVED: 10/03/94

ASSIGNED: 10/05/94

CLOSED : / /

SALUTATION : DEAR CONGRESSMAN SANTORUM

CONSTITUENT :

SU ECT : PENNSYLVANIA HOUSE OF REPRESENTATIVES VOTED TO SUSPEND THE  
COMMONWEALTH'S EMISSIONS TESTING PLAN

SIGNATURE : REGIONAL ADMINISTRATOR

COURTESY COPIES:

ADMINISTRATOR  
OAR

DEPUTY ADMINISTRATOR  
OCLA/LEBENS

ASSIGNED : REGION 03

INSTRUCTIONS: MUST BE RETURNED TO OCLA (1301) 8TH FLOOR WT, FOR REVIEW  
AND DISPATCHING. INCLUDE "HARD" COPY OF REPLY FOR  
CONGRESSIONAL FILES (AL).

IMS: MDL

<u>ASSIGNED TO</u>	<u>ASSIGNED DATE</u>	<u>AC</u>	<u>RETURNED DATE</u>	<u>ASSIGNED TO</u>	<u>ASSIGNED DATE</u>	<u>AC</u>	<u>RETURNED DATE</u>
OAR	10/03/94	AC	10/05/94	R3	10/05/94	AC	/ /



RICK SANTORUM  
18TH DISTRICT, PENNSYLVANIA

COMMITTEE ON  
WAYS AND MEANS  
RANKING MEMBER, SUBCOMMITTEE  
ON HUMAN RESOURCES

MEMBER, SUBCOMMITTEE ON  
OVERSIGHT

WASHINGTON OFFICE:  
1222 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3818  
(202) 225-2135

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3818**

September 29, 1994

42940463

DISTRICT OFFICES:  
608 WEYMAN ROAD  
PITTSBURGH, PA 15236  
(412) 882-3205

541 FIFTH AVENUE  
MCKEESPORT, PA 15132  
(412) 664-4049

640 RODI ROAD  
PITTSBURGH, PA 15235  
(412) 882-3205

The Honorable Carol Browner  
Administrator  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Dear Ms. Browner:

I write regarding action that took place yesterday in the Pennsylvania General Assembly which may have a profound impact on the future of the enhanced inspection and maintenance program in Pennsylvania.

The Pennsylvania House of Representatives voted 171-25 to suspend the Commonwealth's emissions testing plan. Following similar action on Tuesday by the Senate, it now appears likely that members of the General Assembly have a sufficient number of votes to overcome a veto by Governor Robert Casey. As a result of this vote, Pennsylvania may take action that would make the Commonwealth subject to federal sanctions such as the loss of federal highway funding.

As you may recall from my previous correspondence on this subject, I have serious reservations about the effectiveness of the proposed centralized emissions program. I believe the action of the General Assembly reflects broad, popular uneasiness about the impact of this program; as well as a general fear of a single, rigid approach to federal regulation. Moreover, the need for this program has not been conclusively demonstrated, and our air quality has improved significantly without such extraordinary changes as centralized emissions testing. For example, according to information provided by the Pennsylvania Department of Environmental Resources, the Commonwealth has exceeded EPA ozone standards only 53 times since 1989. By comparison, Pennsylvania registered 221 violations in 1988 alone.

In responding to my August 11th letter, Mary T. Smith, Acting Director of the Office of Mobile Sources, noted that the EPA has been working with individual states to establish programs which meet local needs. She further writes that "EPA has assisted several states in the design of hybrid programs." Although the EPA has fought these states at virtually every turn, I appreciate the agency's ultimate willingness to compromise with these states. In the event that Pennsylvania does suspend its plan, I urge you to step in to see that a negotiated, flexible

10/5/94





solution to this problem can be found without resorting to sanctions.

Thank you for your continued attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick", with a stylized flourish at the end.

Rick Santorum  
Member of Congress

RJS:df





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Honorable Rick Santorum  
House of Representatives  
Washington, DC 20515

Dear Congressman Santorum:

Thank you for your letter of September 29, 1994 to Administrator Browner regarding the Pennsylvania enhanced inspection and maintenance (I/M) program. My office is responding to your letter on behalf of the Administrator.

As you know, on August 31, 1994, EPA conditionally approved the Pennsylvania enhanced I/M State Implementation Plan (SIP) in which the Commonwealth committed to implement a centralized, test-only program. This plan provides the citizens of the Commonwealth with a program which minimizes costs (\$17 test fee every two years) and inconveniences (vehicle testing every two years, 95% of vehicles tested within 20 minutes of arrival at station, 86 stations with a total of 287 lanes located throughout the 25 county program area, 60 hours of service weekly), while still providing the air pollution reductions needed to protect the public health. This plan will create 3000 new jobs in the Commonwealth with an annual payroll of 15 million dollars.

As EPA has previously indicated to Governor Casey, any action at this late stage to delay implementation of this program would put Pennsylvania in jeopardy of mandatory sanctions which would result in the loss of federal highway funding and would restrict industrial growth in the Commonwealth.

We believe the Commonwealth has crafted an enhanced I/M program which meets the intent of the Clean Air Act and we are encouraging the full implementation of this program.

Sincerely,

Peter H. Kostmayer  
Regional Administrator







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Honorable Rick Santorum  
House of Representatives  
Washington, DC 20515

OCT 14 1994

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Sincerely,

Peter H. Kostmayer  
Regional Administrator

: /USER/SHARE/SANTORUM.KLB:10/13/94 CONCURRENCES						
SYMBOL	3AT13	3AT13	3AT10	3AT00	3EA10	3R400
SIRNAME	BUNKER	ARNOLD	SPINK	MASLANY	WELSH	KOSTMAYER
DATE	10/13	10/13	10/13	10/14	10/14	10/14

EPA Form 1320-1 (12-78)

OFFICIAL FILE COPY



**CONTROLLED CORRESPONDENCE  
FROM THE  
GOVERNMENT AFFAIRS BRANCH**

CONTROL NUMBER: **AL9404604**

RECEIVED FROM/RESPOND TO:

Honorable Thomas J. Ridge  
House of Representatives  
Washington, DC 20515

Dear Congressman Ridge:

SUBJECT: Vehicle Emissions Testing Program for PA

RECEIVED IN GAB: 10/05/94

DATE DUE IN GAB: 10/17/94

DATE SIGNED: OCT 14 1994

DELIVERED TO THE CORRESPONDENCE CONTROL POINT IN **BOLD** ON: 10/06/94

**Air, Radiation and Toxics Division (Dottie Todd)**

Chesapeake Bay Program (Kim Lonasco)

Environmental Equity (Dominique Lueckenhoff)

Environmental Services Division (Gayl Solomon)

Hazardous Waste Management Division (Alicia Morris)

Office of External Affairs (Angela Cochnar)

Office of Policy and Management (Joan Kopper)

Office of Regional Counsel (Geri DiSantis)

Water Management Division (Louvinia Madison-Glenn)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Honorable Thomas J. Ridge  
House of Representatives  
Washington, DC 20515

Dear Congressman Ridge:

Thank you for your letter of September 28, 1994 to Administrator Browner regarding the Pennsylvania enhanced inspection and maintenance (I/M) program. My office is responding to your letter on behalf of the Administrator.

As you know, on August 31, 1994, EPA conditionally approved the Pennsylvania enhanced I/M State Implementation Plan (SIP) in which the Commonwealth committed to implement a centralized, test-only program. This plan provides the citizens of the Commonwealth with a program which minimizes costs (\$17 test fee every two years) and inconveniences (vehicle testing every two years, 95% of vehicles tested within 20 minutes of arrival at station, 86 stations with a total of 287 lanes located throughout the 25 county program area, 60 hours of service weekly), while still providing the air pollution reductions needed to protect the public health. This plan will create 3000 new jobs in the Commonwealth with an annual payroll of 15 million dollars.

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Sincerely,

Peter H. Kostmayer  
Regional Administrator





WASHINGTON OFFICE  
1714 LONGWORTH BLDG  
WASHINGTON, DC 20515-3821  
(202) 225-5406

COMMITTEES:  
BANKING, FINANCE  
AND URBAN AFFAIRS  
VETERANS' AFFAIRS  
POST OFFICE AND  
CIVIL SERVICE

TOM RIDGE  
21ST DISTRICT, PENNSYLVANIA

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3821**

September 28, 1994

9404604  
DISTRICT OFFICES  
US COURTHOUSE  
617 STATE STREET, ROOM 108  
ERIE, PA 16501  
(814) 456-2038  
305 CHESTNUT STREET  
MEADVILLE, PA 16335  
(814) 724-8414  
91 EAST STATE STREET  
SHARON, PA 16146  
(412) 981-8440  
327 N. MAIN STREET  
BUTLER, PA 16001  
(412) 285-7005

The Honorable Carol M. Browner  
Administrator  
U.S. Environmental Protection Agency  
401 M Street, SW 1105  
Washington, D.C. 20460

Dear Ms. Browner:

I am writing on behalf of millions of Pennsylvania motorists and consumers to bring your attention to action in the Pennsylvania General Assembly regarding centralized auto emissions testing.

Legislation passed last night in the Pennsylvania Senate will require the Pennsylvania Department of Transportation to develop an alternative vehicle emissions testing program which meets the requirements of federal law.

As you know, in November of 1993, Pennsylvania adopted a centralized auto emissions testing program, despite the will of many in the Pennsylvania legislature to work with the EPA toward adoption of a decentralized "hybrid" system. Under EPA's preferred program, 25 counties and over 6 million motorists in Pennsylvania will be subjected to a "ping-ponging" effect between the test and repair centers.

In the interest of millions of Pennsylvania motorists, I urge you to go back to the drawing board with Pennsylvania's Department of Transportation, as you have done in other states, to implement a program that will meet the requirements of the EPA. This program should also achieve the goals of the Clean Air Act in making our environment cleaner for all Pennsylvanians without imposing an unnecessary burden on Pennsylvania's motorists.

Sincerely,



Tom Ridge  
Member of Congress

10/13/94 RKC





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III

841 Chestnut Building

Philadelphia, Pennsylvania 19107

OCT 14 1994

Honorable Thomas J. Ridge  
House of Representatives  
Washington, DC 20515

Dear Congressman Ridge:

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We believe the Commonwealth has crafted an enhanced I/M program which meets the intent of the Clean Air Act and we are encouraging the full implementation of this program.

Sincerely,

Peter H. Kostmayer  
Regional Administrator

G:/USER/SHARE/RIDGE.KLB:10/13/94				CONCURRENCES			
SYMBOL	3AT13	3AT13	3AT10	3AT00	3EA10	3RA00	
SURNAME	BUNKER	ARNOLD	SPINK	MASLANY	WELSH	KOSTMAYER	
DATE	10/13	10/13	10/13	10/14/94	10/14/94		







COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HARRISBURG

THE GOVERNOR

October 4, 1994

The Honorable Carol M. Browner  
Administrator  
United States Environmental  
Protection Agency  
401 M Street, S.W.  
Suite W-1200  
Washington, D.C. 20460

Dear Administrator Browner:

In light of events which have occurred over the past several days involving statements attributed to Mr. Peter Kostmayer, your regional administrator, and a meeting he has scheduled with Pennsylvania's Lieutenant Governor, Mark S. Singel for tomorrow, I need your immediate and official clarification of the current policies of the Environmental Protection Agency (EPA) regarding Pennsylvania's implementation of the federal Clean Air Act Amendments of 1990 (Clean Air Act).

As you know, since the passage of the Clean Air Act on December 26, 1990, the EPA has consistently taken the position that the only way Pennsylvania can effectively comply with the Clean Air Act was to enact a centralized inspection and maintenance (I/M) program and to carry forward and complete this program within deadlines set by your agency.

In fact, as recently as September 23, 1994, in a letter to me, you stated: "I urge you to continue your efforts to ensure the implementation of the Commonwealth's enhanced I/M program and avoid any steps that would delay the program. Such a delay would place the Commonwealth in jeopardy of mandatory Clean Air Act sanctions that would affect the Commonwealth's opportunities for economic growth."

As you know, \_\_\_\_\_

As you know, your letter of September 23, 1994, was written in light of a then pending legislative effort in our General Assembly to delay and change significantly implementation of the Commonwealth's centralized inspection program. On September 28, 1994, such legislation was, in fact, passed by Pennsylvania's General Assembly and is now en route to my desk for

~~XXXXXXXXXXXX~~



The Honorable Carol M. Browner  
October 4, 1994  
Page -2-

consideration. Based upon the representations of your agency, I have said that I would veto the legislation in order to prevent any delay in the implementation of the program which could have an adverse effect on the health of Pennsylvania's citizens, as well as jeopardize our highway construction and job creation programs.

Against this factual background, I was surprised and troubled by a press account in The Patriot, September 29, 1994, reporting that Mr. Kostmayer agreed with Pennsylvania's adoption of a centralized program but, according to The Patriot, "added that it's not too late for the State to offer an alternative."

Since that statement appeared in the press on two occasions, namely September 30, 1994 and October 3, 1994, representatives of my office asked Mr. Kostmayer for clarification, and his response in each case was that the statement represents no change in official EPA policy regarding the matter.

This being the case, I am at a loss to understand why tomorrow's meeting was scheduled to go forward.

The expressed purpose for the meeting, according to Lieutenant Governor Singal, is to consider the following requests for changes in EPA policy:

- EPA permission to institute a hybrid, decentralized and/or test-and-repair system;
- lowering of the cap to out-of-pocket repair costs to consumers due to the emissions program to \$125 from the current \$450;
- a guarantee that test fees will not rise any higher than those in effect for Pennsylvania's current auto emissions program, plus inflation;
- removal of Pennsylvania from the Northeast Ozone Transport Region; and
- delay of the onset of any new testing program until July 1, 1995.

In light of the confusion caused by the recent events I have outlined, I must request your immediate official written responses to the following questions, addressed to me:

- (1) If you would not authorize any of the foregoing changes (and we understand current policy precisely to this effect) please advise me that your current policy will continue unchanged.
- (2) Please advise whether and to what extent, if at all, you have legal authority to make these requested changes in policy.





The Honorable Carol M. Browner  
October 4, 1994  
Page -3-

in whole or in part. If you consider yourself to have legal authority to accede to some of these requests, please specify which ones.

(3) As to those to which you have legal authority to change, please advise whether, as a matter of policy, you would make such changes. If you would, why is it that I have not been advised of that change in policy prior to this time, despite constant and protracted discussions between Pennsylvania and your agency?

(4) With respect to those portions of the changes requested by the Lieutenant Governor which you consider to be beyond your legal authority, please specify whether Congressional or regulatory changes would be required, and in what time frame those changes would be completed.

(5) With respect to the request that EPA delay onset of any new testing program until July 1, 1995, has your policy regarding the deadline for Pennsylvania been changed in any way? If it has, why have I not been advised of that prior to this time?

(6) In the event some or all of these changes have the effect of subjecting the Commonwealth to claims for damages due to the breach of the existing contract for a centralized inspection program, which was carried out at the direction of your agency as an essential component of Pennsylvania's compliance with the Clean Air Act, please advise me immediately whether the United States of America will indemnify and hold harmless the Commonwealth of Pennsylvania for any expense, liability or other loss resulting from the breach of that contract.

In this connection, I advise you that the contractor has represented to the Pennsylvania Department of Transportation that it has invested more than \$70 million under the contract to date.

(7) In the event you consider yourself to have legal authority to change your current policy to delay existing Pennsylvania deadlines, is your agency prepared to waive all sanctions which would have been otherwise applicable to Pennsylvania? If not, please spell out the implications or the imposition of such sanctions.

(8) If, as a result of immediate changes in your current policies, EPA would agree to changes in existing compliance deadlines, I would be interested in your informed opinion on the implication for the public health which would follow from such delay.





The Honorable Carol M. Browner  
October 4, 1994  
Page -4

We have taken all reasonable measures to minimize cost and inconvenience to Pennsylvania's motorists in designing and implementing our compliance program. We would welcome and support any further changes designed to achieve these goals, provided they do not adversely affect the health of Pennsylvania residents, or our highway construction or job creation programs.

As I am sure you can appreciate, the series of events outlined in this letter have created confusion and uncertainty for our state which only you can dispel. Because of the urgency of this matter, its importance to the people of Pennsylvania, and its implications for the legislation delaying the compliance program which is currently en route to my desk for action, I must respectfully urge you in the strongest possible terms to respond to this letter forthwith.

Sincerely,

*Robert P. Casey*  
Robert P. Casey  
Governor

